# Module 8

# Workers' Compensation

# Learning Objectives

After completion of this lesson, participants will be able to:

- Describe the types of Workers' Compensation benefits
- Describe steps to take when a worker is injured
- Describe keys to identify possible fraud

# About Workers' Compensation

- The Federal Employees' Compensation Act (FECA), 5 USC 8101et.seq, provides compensation benefits to Federal civilian employees (or survivors) for work-related injuries or illnesses

- Administered by the Department of Labor, Office of Workers' Compensation Programs (OWCP)

# About Workers' Compensation (con't)

Basic types of benefits:

- Medical benefits (including transportation expenses)
- Continuation of Pay (COP) (up to 45 days)
- Wage loss compensation
- Scheduled awards
- Vocational rehabilitation
- Survivor benefits if employee dies as a result of injury

# Cost of Workers Comp

- Every DAY the Dept. of Defense spends almost 2 million dollars on workers' comp
- 80% of this amount goes to "old cases" where the injured employee was never brought back to work.

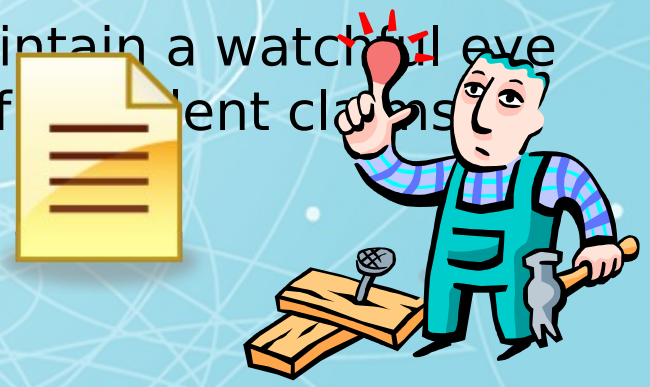
# What can a supervisor do ?

## First & Foremost - Prevent injuries

- Keep your work area as safe as possible - most workplace injuries are completely avoidable
- Enforce all safety rules. Document even verbal warnings about safety violations
- Remember, people pay attention to the example you set
- Be prepared with hard copy injury forms (CA-1/CA-2/CA-16, CA-17, CA-20) and learn to input into EDI

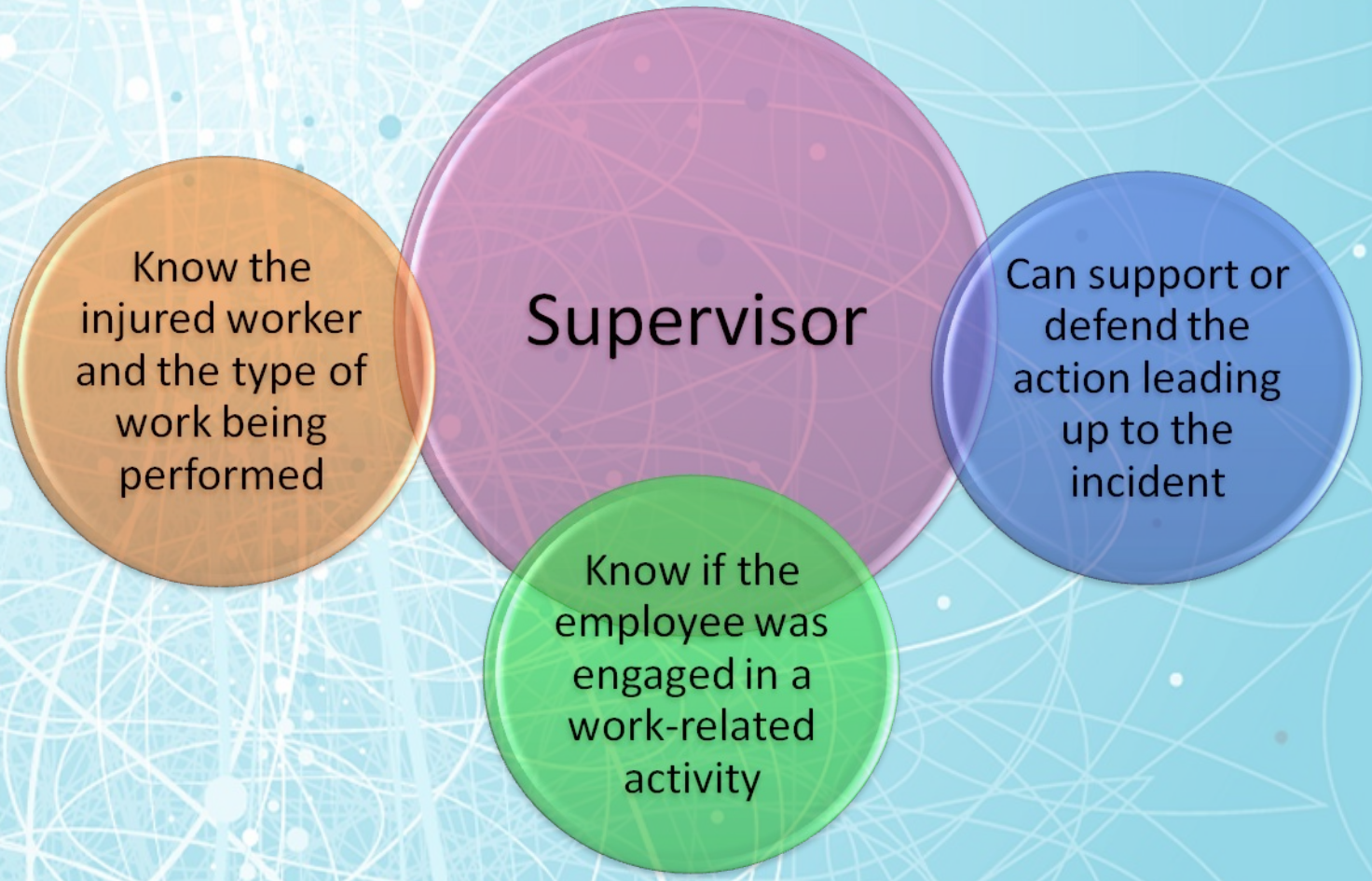
# The Basics

- Establish a safe work environment
- Insure a safety-conscience workforce
- Get to know your CPAC Injury Compensation Program Administrator (ICPA)
- File claims immediately
- Provide prompt medical attention and caring support to the injured/ill worker
- Investigate the injury – what happened, are others at risk?
- Document the events, actions, conditions, witness accounts
- Restore the worker to productivity as soon as possible
- Maintain a watchful eye for f[illegible]ent claims



# Supervisor's Guide to Worker's Comp

You are the most important link to workers compensation becaus


Supervisor
Know the injured worker and the type of work being performed
Can support or defend the action leading up to the incident
Know if the employee was engaged in a work-related activity

# Supervisory Responsibilities

- Report injuries to the Injury Compensation Program Administrator (ICPA) immediately
- Do not block, stop or impede the filing of a claim;
- Report information inconsistent with incident leading up to injury
- Challenge a claim you suspect is inconsistent with the work you assigned, false, unlikely, or otherwise questionable!

# Be Conscience of…

- The same witness for numerous claims
- A witness that typically would not have been in the area of the accident
- An employee with several OWCP claims, the so called “frequent filer”
- An employee with a recent or pending adverse action or nearing the end of a tour, (i.e., term, temp, indefinite appointment).

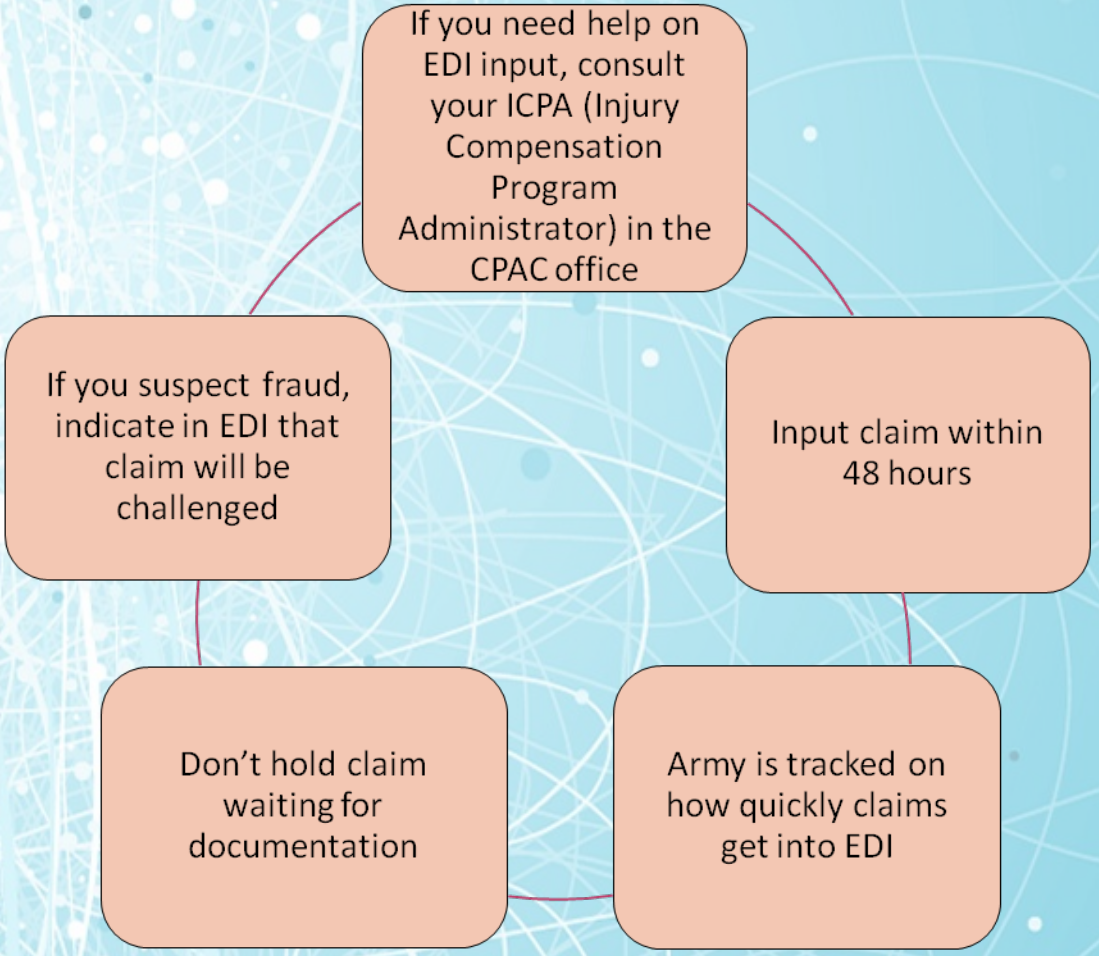
# What to do when injury occurs

- Provide immediate, sympathetic caring environment
- Ensure employee seeks medical treatment, such as local clinic, emergency room or private doctor.
- Never prevent an employee from getting medical attention even if you don't think it is serious
- Furnish hard copies of forms CA-16, CA-17, & CA-20 to the employee. **By law**, you must furnish these forms.
- Input CA-1/CA-2 into EDI.

# Follow-up on an injury

Visit place where injury occurred. Make notes of what happened
Speak with witnesses, ask what they saw & heard.
Speak with Safety Officer about what can be done to ensure this injury never happens again

# Input claim into EDI


If you need help on EDI input, consult your ICPA (Injury Compensation Program Administrator) in the CPAC office
Input claim within 48 hours
Army is tracked on how quickly claims get into EDI
Don't hold claim waiting for documentation
If you suspect fraud, indicate in EDI that claim will be challenged

http://www.cpms.osd.mil/ICUC/ICUC_index.aspx

# CA-1 or CA-2?

- Traumatic injuries are filed using a CA-1
  - ✓When a date and time can be specified (cuts, falls, broken bones, etc)
- Occupational illnesses are filed using a CA-2
  - ✓When an illness or injury happens over the course of a period of time (asthma, carpal tunnel, psychiatric conditions, etc)
- If in doubt- ask your ICPA

# Follow up with employee

Phone employee at home

- Ask what limitations doctor placed and why
- When will employee be able to return
- Emphasize light duty, modification of duties
- Emphasize sympathetic caring environment
- If employee must be off more than a week, phone employee every week for status
- Remind employee he/she must furnish a medical statement ASAP supporting time off work.

# Is it “legit” ?

## Some Red Flags to be aware of:

- Unexplained time delay in reporting injury or getting medical care
- There are no witnesses even though injury happened in area where it should have been observed
- Witness frequently serves as witness for other injuries
- Disciplinary action, downsizing, transfer facing employee
- Injury reported immediately after weekend or holiday
- Employee changes account of how injury happened

# If you spot a “Red Flag”

- Talk to your ICPA; relay your concerns
- Write down all information you have and give to ICPA
- Army has only ONE opportunity to challenge a suspicious claim, and that is before the claim is adjudicated.

# Challenging a Suspicious Claim

- Challenge must be based on facts;
  being a poor performer is not adequate reason
- Your investigation & notes are crucial
- There is no format or form for a challenge,
  - It is simply a narrative write-up of the facts, signed by you or by the ICPA
  - The suspicious claim you don't challenge may become Army's million-dollar claim in the future

# Timecards

- Day of injury - mark hours missed as LU
- Day after injury, “COP” (Continuation of Payment) begins. COP does not deduct from employee’s leave balances.
- Timecards are marked LT while on COP for the number of days doctor says employee must be off.
- Employee must provide doctor’s written statement, with number of days needed to be off. Be sure ICPA gets a copy.

# What if COP is used up ?

- COP is capped at 45 calendar days
- After 45 days, employee can use own leave; pay continues as usual.
- Employee can use LWOP and apply for “compensation” on a CA-7 form
  - Receives 75% of pay with dependents or 66 2/3% if no dependents. “Compensation” is non-taxable. Be certain which choice employee wants to make.
- Confer with ICPA.

# What if employee returns part-time?

- Employee can either use own leave for hours not worked – or can choose LWOP for those hours and claim “compensation” on a CA-7 form.
- Work closely with ICPA to ensure all steps are followed correctly.

# What if employee can't do full duties ?

- Sometimes doctor places restrictions on what returning employee can do.
- Must abide by these restrictions !!
- If restrictions are permanent, job may need be assigned to another employee and modified job created for returning employee.
- If restrictions appear unreasonable, work with ICPA to request OWCP
- Get a 2nd medical opinion

# Supervisor's final responsibility

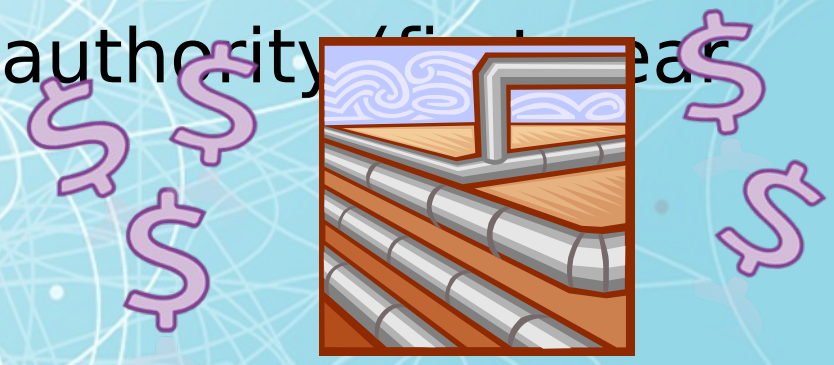
- Get injured employee back to work
- If an employee is "out on injury comp" Army pays him. If we don't get employee back, Army pays him for his entire life !!
- If employee returns to work, eventually he retires like the rest of us.
- If employee returns, he is subject to same personnel regulations as all other employees.

# Can’t return ?

- If employee  is never able to meet physical requirements of old job, work with CPAC & ICPA to create a new job within employee’s capabilities
- Remember Army is paying employee whether he works or stays home.

# DOD's Pipeline Program

- "Pipeline" provides a billet & a pays salary for first 365 days for returning employees who have been out for 90 days or more
- DOD transfers money to your activity on a MIPR
- Designed to assist installations in returning employees to work
- Allows for over-hire authority (first year only)



# Recap of supervisor's role

1. Prevent injuries
2. Handle injuries correctly if they occur
3. Investigate all facts of injuries and challenge all suspect claims
4. Input claim into EDI or give CA-1/CA-2 to ICPA if you have no computer access
5. ICPA is your partner in all aspects of Workers' Comp
6. Getting injured employees back to Army's workforce is a win-win for everyone

# More information

- Contact your ICPA (Injury Compensation Program Administrator, located in the CPAC office
- Search PERMISS under OWCP & FECA
- DOD instruction 1400.25 M, subchapter 810
- Dept. of Labor's web site:

  www.dol.gov/esa/regs/compliance/owcp/fecacont.htm